

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

1531.015000H

OFFICE OF PETITIONS

☐ is enclosed herewith.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

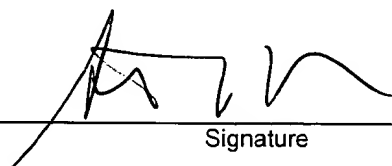
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

3/5/04
Date


Signature

(914) 949-3100
Telephone Number

Steven M. Hoffberg

Typed or printed name

Milde & Hoffberg LLP

10 Bank Street - Suite 460

Address

33,511
Registration Number, if applicable

White Plains, NY 10606

Address

- Enclosure ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☒ Request for Refund

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

3/5/04
Date


Signature

Steven M. Hoffberg

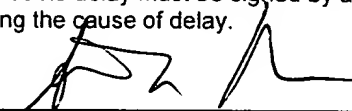
Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

3/5/04
Date


Signature

33,511
Registration Number, if applicable

Steven M. Hoffberg
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

See attached sheet

(Please attach additional sheets if additional space is needed.)

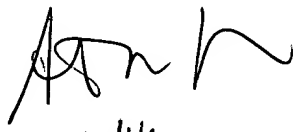
The delay in filing a proper reply to the Office Action dated June 25, 2003 resulted directly from the fact that the correspondence from the U.S. Patent and Trademark Office was misdirected, and never received by counsel of record until March 5, 2004.

On information and belief, and after due investigation, it is believed that the Office Action was sent to Aurigin Systems, Inc. in Cupertino, CA. While the facility of the former Aurigin Systems, Inc. is occupied by MicroPatent, assignee of the present invention, MicroPatent did not assume ownership of Aurigin Systems, Inc., which on information and belief, remains a paper entity.

It is not clear what became of the original Office Action.

Applicants filed a Power of Attorney and Change of Address in the present application on or about August 9, 2002. Further correspondence from our office was sent February 28, 2003.

It is further respectfully submitted that the application was unavoidably abandoned, and the application should be restored to the active docket.


3/5/04